

TOWN OF FREETOWN



WARRANT
FOR THE SPECIAL TOWN MEETING
MONDAY, OCTOBER 23, 2017 – 7:00 P.M.

FREETOWN ELEMENTARY SCHOOL AUDITORIUM
43 BULLOCK ROAD, EAST FREETOWN, MASSACHUSETTS

Bristol, ss:

To either of the Constables in the Town of Freetown, Greeting:

In the name of the Commonwealth you are hereby required to notify and warn the inhabitants of the Town of Freetown who are qualified to vote in Town Affairs to meet in the Freetown Elementary School, Auditorium, 43 Bullock Road, East Freetown, Massachusetts, the Twenty-Third day of October, 2017, at 7:00 P.M., then and there to act on the following Articles, viz:

ARTICLE 1: To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of Fourteen thousand Dollars (\$14,000) to purchase and/or repair dumpsters and/or take any action relative thereto.

Submitted by: Derek Macedo, Health Agent

Requires Majority Vote

Explanation of Article: A few Transfer Station dumpsters are falling apart and/or are in a state of disrepair. There is some grant money available, but not enough to cover the cost of the scope of work.

ARTICLE 2: To see if the Town will vote to appropriate the sum of Six Thousand Eight-Hundred Eighty-four Dollars and Ninety-Six Cents (\$6,884.96) from retained earnings of the Water & Sewer Enterprise Fund for the purpose of paying unpaid bills, or take any action relative thereto.

Submitted by: Board of Selectmen and Board of Water & Sewer Commissioners

Requires Majority Vote

Explanation of Article: This appropriation would use retained earnings to pay bills for engineering fees pertaining to the By-pass Valve Project that were not included in the proposed cost for the project.

ARTICLE 3: To see if the Town will vote to appropriate the sum of Seventy-Five Thousand Dollars (\$75,000) from retained earnings of the Water & Sewer Enterprise Fund for the purpose of retiring the outstanding Bond Anticipation Note (BAN) by transfer to the water capital project fund for improvements to the water filter site, or take any action relative thereto.

Submitted by: Board of Selectmen and Board of Water & Sewer Commissioners
Requires Majority Vote

Explanation of Article: This appropriation would use retained earnings to pay off the outstanding balance of the BAN in the water capital project fund for improvements to the water filter site. The BAN was issued in December 2016 for 12 months and is due in December 2017. This article would use available funds to retire the debt and avoid the need to reissue the debt and incur additional interest charges.

ARTICLE 4: To see if the Town will vote to supplement the amount raised from Water-Sewer Enterprise Revenues for FY18, previously voted in Article 15 of the Annual Town Meeting of June 5, 2017 by the sum of Eight Thousand Nine Hundred Sixty-One Dollars (\$8,961.00) to be allocated to the general fund for the purpose of funding increases in indirect costs previously appropriated in the Omnibus Budget, Article 1, of the Annual Town Meeting of June 5, 2017, or take any other action relative thereto.

Submitted by: Board of Selectmen and Board of Water & Sewer Commissioners
Requires Majority Vote

Explanation of Article: A formal indirect cost allocation plan was adopted by the Board of Water & Sewer Commissioners, the Board of Selectmen and the Finance Committee. The enterprise fund needs to reimburse the general fund for all of the indirect costs associated with operating the department. The amount listed below as current calculation is based on the FY18 budget and the amount listed as original is based on the FY17 budget. The values now need to be updated with the adoption of the FY18 budget and a supplement of \$8,961 is needed.

Indirect Costs (in the general fund):

	Original	Current Calculation	Amount to Supplement
Finance	\$ 20,700	\$ 20,947	\$ 247
Utilities	\$ 1,229	\$ 1,046	\$ (183)
IT service	\$ 780	\$ 956	\$ 176
Insurance	\$ 22,859	\$ 28,087	\$ 5,228
Retirement	\$ 16,937	\$ 18,650	\$ 1,713
Gen'l Admin	\$ 3,859	\$ 5,659	\$ 1,800
Less Int Credit	\$ - 180	\$ - 200	\$ (- 20)
Subtotal	\$ 66,184	\$ 75,145	\$ 8,961

ARTICLE 5: To see if the Town will vote to appropriate in the Water & Sewer Enterprise Fund the sum of Fifty Thousand Dollars (\$50,000) for the purpose of creating an Extra/Unforeseen Reserve Fund with funding from retained earnings, or take any action relative thereto.

Submitted by: Board of Selectmen and Board of Water & Sewer Commissioners
Requires Majority Vote

Explanation of Article: This appropriation would use retained earnings to create a reserved fund for unforeseen or extra expenses as needed.

ARTICLE 6: To see if the Town will vote to appropriate the sum of Two Hundred Twenty-Five Thousand Dollars (\$225,000.00) from free cash for the purpose of retiring the outstanding Bond Anticipation Note (BAN) by transfer to the capital project fund for the rehabilitation of the South Main Street and Locust Street bridges, or take any action relative thereto.

Submitted by: Board of Selectmen
Requires Majority Vote

Explanation of Article: This appropriation would use free cash to pay off the outstanding balance of the BAN in the capital project fund for the rehab of 2 bridges. The BAN was issued in December 2016 for 12 months and is due in December 2017. This article would use available funds to retire the debt and avoid the need to reissue the debt and incur additional interest charges. This funding would complete the repayment of debt related to the bridge projects.

ARTICLE 7: To see if the Town will vote to appropriate the sum of Thirty Thousand Dollars (\$30,000.00) from retained earnings of the Water & Sewer Enterprise Fund for the purpose of increasing budget line item Professional & Technical Engineering Services, or take any action relative thereto.

Submitted by: Board of Selectmen and Board of Water & Sewer Commissioners
Requires Majority Vote

Explanation of Article: This appropriation would use retained earnings to add to the budget for expected increase in engineering costs.

ARTICLE 8:

To see if the Town will vote to transfer the sum of Nine Thousand Dollars (\$9,000.00) from the Highway Personnel budget (Account #001.4.420.5110.9030.30.00) to the Highway expenses budget (Account #001.4.420.5580.9000.40.00), and/or take any action related thereto.

Submitted by: Highway Surveyor
Requires Majority Vote

Explanation of Article: The amount represents the savings realized from a Step 2 Equipment Operator resigning at the beginning of August and the position remaining unfilled through the month of September, and also the pay difference between the Step 2 man and the new man who will be hired at Step 2.

ARTICLE 9: To see if the Town will vote to raise, appropriate, and/or transfer from available funds the sum of Nine Thousand Dollars (\$9,000.00) to pay the costs of consultants and related professionals for evaluating the existing police, fire and highway departments radio system infrastructure and related equipment, and making recommendations for improvement to the system and related equipment, and/or take any action relative thereto.

Submitted by: Police & Fire Chiefs

Requires Majority Vote

Explanation of Article: The existing public safety radio systems have dead zones and other zones where there are problems receiving and transmitting radio messages.

ARTICLE 10: To see if the Town will vote to accept the provisions of Massachusetts General Law Chapter 90, Sections 17C, inserted by Section 193 of the so-called Municipal Modernization Act, Chapter 218 of the Acts of 2016, allowing the Board of Selectmen to establish a speed limit of 25 miles per hour in any thickly settled or business district in the Town that is not a state highway, or take any action relative thereto.

Submitted by: Police & Fire Chiefs

Requires Majority Vote

Explanation of Article: If this Article passes it would allow the Board of Selectmen to set speed limits of 25 miles per hour in any thickly settled areas or business districts they see fit.

ARTICLE 11: To see if the Town will vote to accept the provisions of Massachusetts General Law Chapter 90, Sections 18B, inserted by Section 194 of the so-called Municipal Modernization Act, Chapter 218 of the Acts of 2016, allowing the Board of Selectmen to establish designated “safety zones” with a speed limit of 20 miles per hour on, at, or near any way in the Town that is not a state highway, and, if a state highway, with the approval of the department of Transportation, or take any action relative thereto.

Submitted by: Police & Fire Chiefs

Requires Majority Vote

Explanation of Article: The passing of this Article would allow the Board of Selectmen to establish “safety zones” with limitations.

ARTICLE 12: To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of One Thousand Nine Hundred Ninety Seven Dollars (\$1,997.00) representing the town’s share of a FEMA Assistance to Firefighters Grant (AFG) to purchase two (2) new CPR Compression Devices for the fire department ambulances and/or take any action relative thereto.

Submitted by Fire Chief

Requires Majority Vote

Explanation of Article: The Fire Department was awarded a \$39,940.00 Assistance to Firefighters equipment grant to purchase two (2) new CPR Compression Devices, one (1) for each ambulance. The amount above reflects the town’s share of 5% toward the purchase of the life-saving equipment.

ARTICLE 13: To see if the Town will vote to authorize the Board of Selectmen to acquire the fee in and to the parcel of land located at 122 Richmond Road, Assonet (Assessors' Map 202, Lot 4.01) by deed in lieu of foreclosure pursuant to the provisions of General Laws Chapter 60, Section 77C, for general municipal purposes, and/or take any action relative thereto.

Submitted by: Treasurer

Requires Majority Vote

Explanation of Article: This article will allow the Town to accept a deed to the property in lieu of pursuing a foreclosure of Tax Title, saving considerable time and money.

EXPLANATION FOR ARTICLES 14-19

ARTICLES 14 and 15 are proposed General and Zoning bylaws that would set the number of recreational marijuana (non-medical) retail establishments in Town to 20% of the number of package store licenses issued. Presently there are 5 such licenses issued.

ARTICLES 16 and 17 are proposed General and Zoning bylaws that would completely prohibit the siting of recreational marijuana (non-medical) retail establishments within Freetown. The passage of this bylaw would need to be supplemented by a ballot vote of the Town at a future date to affirm or reject the action at Town Meeting.

ARTICLE 19 is an amendment to our existing Medical Marijuana Overlay District zoning bylaw that would allow for recreational marijuana establishments to locate within the overlay district.

ARTICLE 14: To see if the Town of Freetown will vote to amend the Town's General Bylaw by adding a new section to limit the number of recreational marijuana retailers to twenty percent (20%) of the number of retail off-premises (package store) alcoholic beverage licenses issued under Massachusetts General Laws Chapter 138; or, take any other action relating thereto.

Submitted by: Board of Selectmen

Requires 2/3 Vote

Explanation of Article: The intent of this Article of to set a percentage for recreational marijuana retailers.

ARTICLE 15: To see if the Town of Freetown will vote to amend the Town's Zoning Bylaw by adding a new Section 11.32 to limit the number of recreational marijuana retailers to twenty percent (20%) of the number of retail off-premises (package store) alcoholic beverage licenses issued under Massachusetts General Laws Chapter 138; or, take any other action relating thereto.

Submitted by: Board of Selectmen

Requires 2/3 Vote

Explanation of Article: The intent of this Article of to set a percentage for recreational marijuana retailers.

ARTICLE 16: To see if the Town will vote to amend the Town's General Bylaw by adding a new Section 11.32 to set the number of recreational marijuana retailers to zero (0%) percent and not allow recreational retail sales within the Town of Freetown. A copy of the proposed By-law may be viewed at the Town Clerk's Office, located at 3 No. Main St., Assonet, MA 02702; and/or take any other action relative thereto.

Submitted by: Board of Selectmen

Requires Majority Vote

Explanation of Article: With an affirmative action on this article by Town Meeting, a ballot question will be placed on the next election warrant to affirm or reject the action of Town Meeting; or, take any other action relating thereto.

ARTICLE 17: To see if the Town will vote to amend the Town's Zoning Bylaw by adding a new Section 11.32 to set the number of recreational marijuana retailers to zero (0%) percent and not allow recreational retail sales within the Town of Freetown. A copy of the proposed By-law may be viewed at the Town Clerk's Office, located at 3 No. Main St., Assonet, MA 02702; and/or take any other action relative thereto.

Submitted by: Board of Selectmen

Requires 2/3 Vote

Explanation of Article: With an affirmative action on this article by Town Meeting, a ballot question will be placed on the next election warrant to affirm or reject the action of Town Meeting; or, take any other action relating thereto.

ARTICLE 18: To see if the Town will vote to accept the provisions of Massachusetts General Laws, Chapter 64N, §3(a), as amended by Section 13 of Chapter 55 of the Acts of 2017, and to authorize the Town to impose a local sales tax upon the sale or transfer of marijuana or marijuana products by a marijuana retailer operating within the Town to anyone other than a marijuana establishment, at the rate of 3 percent of the total sales price received by the marijuana retailer as a consideration for the sale of marijuana or marijuana products; or to take any other action relative thereto.

Submitted by: Board of Selectmen

Requires Majority Vote

Explanation of Article: The intent of this Article is to set a sale tax limit in Town for Recreational Retail Marijuana.

ARTICLE 19: To see if the Town will vote to amend the Town’s Zoning Bylaw by amending Section 11.33 MEDICAL MARIJUANA OVERLAY DISTRICT, by retitling it to ‘MEDICAL AND RECREATIONAL MARIJUANA OVERLAY DISTRICT’ and by amending text throughout to include Recreational Marijuana Establishments within the Overlay District; further, to amend the map title of the ‘Medical Marijuana Overlay District’, as depicted on a map on file in the Office of the Town Clerk and the Planning Board to ‘Medical and Recreational Marijuana Overlay District’; amend Section 11.18 H. 1 Table of Use Regulations to include ‘Recreational Marijuana Establishments’ as depicted below; further to amend the Town of Freetown Protective By-laws, Article 11 Zoning By-laws Outline to reflect all the aforementioned proposed changes; and further that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format.

Use	R	B	I	I/2	G	OSR	VR	VB
Recreational Marijuana Establishments	Allowed only within the Medical and Recreational Marijuana Overlay District by Special Permit							

The text of these proposed amendments and associated materials may be viewed at the office of the Town Clerk as well as the Planning Board office, at Freetown Town Hall, 3 N. Main St. Assonet, MA during normal business hours; and/or any other action relative thereto

Submitted by: Planning Board

Requires 2/3 Vote

Explanation of Article: This will establish the areas in Town that Registered Marijuana Dispensaries can dispense, cultivate, and/or prepare medical marijuana

ARTICLE 20: To see if the Town will amend the Town of Freetown Protective By-laws, **Article 11 Zoning By-laws, Section 11.23 Site Plan Review** by deleting Section 11.23(O). Appeals in its entirety, and inserting in place thereof a new Section 11.23(O) Appeals. Furthermore, to amend the **Town of Freetown Protective By-laws, Article 11 Zoning By-laws, Section 11.23 Site Plan Review** by amending Section 11.23(C) Applicability to clarify language related to vehicle trips. A copy of the proposed changes to the Town of Freetown Protective By-laws may be viewed at the office of the Town Clerk or the Planning Board Office, Freetown Town Hall, 3 North Main Street, Assonet, MA; and/or take any other action relative thereto.

Submitted by: Planning Board

Requires 2/3 Vote

Explanation of Article: This article will adjust the appeal period for site plan approval in a manner consistent with the appeal period for projects needing special permit or subdivision approval

ARTICLE 21: To see if the Town will vote to accept the provisions of Massachusetts General Laws Chapter 148, Section 56, which shall require persons engaging in the business of conducting or maintaining an open-air parking space to obtain a license by the local licensing authority; and/or to take any other action relative thereto.

Submitted by: Planning Board

Requires Majority Vote

Explanation of Article: This article will allow for the Town to license and regulate locations that may be operating as parking lots in Town

ARTICLE 22: To see if the Town will vote to amend the Town of Freetown Protective By-laws, **Article 11 Zoning By-laws, Section 11.31 (B) Off Street Parking and Loading Requirements – Allowed Reduction** with struck through language deleted and bolded and underlined language inserted as depicted below and as may also be viewed at the office of the Planning Board and the Town Clerk, Freetown Town Hall, 3 North Main Street, Assonet, MA; and/or take any other action relative thereto.

B. ALLOWED REDUCTION AND WAIVER OF REQUIREMENTS

The number of spaces may be reduced to less than that stipulated below **and deviation from other regulations stated in this section may be granted** if, in acting on the Plan under Section 11.23 Site Plan Review, and/or as the Special Permit Granting Authority, the Planning Board determines that a **smaller the proposed number of spaces and/or the proposed parking arrangement** would be adequate for all parking needs because of such special circumstances as shared parking for uses having peak parking demands at different times, unusual age or other characteristics of site users or user-sponsored demand reduction devices such as carpooling. Such a **reduction relief** is contingent upon evidence being provided to the Planning Board that the site has sufficient reserve area, suitable for conversion to graded, surfaced and drained paving areas, to meet the demands of the proposed use.

Submitted by: Planning Board

Requires 2/3 Vote

Explanation of Article: This article will enable the Planning Board to waive any of the regulations of the Parking Bylaw for applicants undergoing a special permit or site plan review process. The bylaw currently enables the Board to allow a reduction in parking spaces; this amendment will allow them to make considerations to waive other provisions

ARTICLE 23: To see if the Town will vote to adopt Article 29 **Registration and Maintenance of Abandoned, Vacant, and/or Foreclosed Properties** By-Law, as on file with the Office of the Town Clerk; and/or take any other action relative thereto

Submitted by: Planning Board

Requires Majority Vote

Explanation of Article: By law will require owners of property, including banks and mortgage companies, to register abandoned, vacant, and/or foreclosed properties with the Building Commissioner, and to maintain a minimum standard of appearance.

ARTICLE 24: To see if the Town will vote to amend the Town of Freetown Protective By-laws, **Article 11 Zoning By-laws, Section 2 Definitions** to include a definition for “Truck Terminal” and “Truck Stop” as outlined below:

Truck terminal: A building or area in which freight brought by truck is assembled and /or stored for routing or reshipment or in which semi trailers, including tractor and/or trailer units and other trucks, are parked and stored for a duration in excess of 24 hours

Truck Stop:

- (a) A facility devoted, in whole or in part, to the sale of fuel and /or oil and/or services for transient trucks and/or where the trucks are allowed to park while the operator or any other person sleeps or rests in the cab.
- (b) A facility which in addition to providing fuel and/or oil and/or services to trucks and/or their operators, also provides on premises facilities for any, all, or some of the following elements: overnight accommodations primarily for truck drivers; shower facilities; laundry facilities; or lounges or recreation rooms.
- (c) Any property where more than one truck is allowed to park, as part of its regular business activities, for periods of time longer than is necessary for obtaining fuel and/or services for truck or driver.
- (d) Any property, except a State provided parking area, where more than one truck is allowed to park on a more or less regular basis, and no work is being performed and no services for truck or driver are required.
- (e) Truck for the purpose of this Bylaw shall mean: A transient tractor trailer as a combined unit or as either unit singly or a transient truck with three (3) or more axles

Further, to see if the Town will vote to amend the Town of Freetown Protective By-laws, **Article 11 Zoning By-laws, Section 11.18 Zoning Districts (I) Table of Use Regulations** by including “Truck Terminal” and “Truck Stop” in the table, allowed only by special permit in the Industrial and I/2 Districts, prohibited in all other districts.

See proposed addition to the table of use regulations below

Use	R	B	I	I/2	G	OSR	VR	VB
Truck terminal	N	N	SP	SP	N	N	N	N
Truck Stop	N	N	SP	SP	N	N	N	N

A copy of the proposed changes to the Town of Freetown Protective By-laws may be viewed at the office of the Town Clerk or the Planning Board, Freetown Town Hall, 3 North Main Street, Assonet, MA; and/or take any other action relative thereto.

Submitted by: Planning Board

Requires 2/3 Vote

Explanation of Article: This article would include ‘Truck Terminal’ within the Definitions section of the Bylaw and in the Table of Use

ARTICLE 25: To see if the Town will vote in accordance with Mass. General Laws Chapter 114, Section 23, to approve the revised Cemetery Rules and Regulations adopted by the Cemetery Commission on September 11, 2017, and/or take any action relative thereto. (A copy of these additions is on file with the Town Clerk at the Town Hall in Assonet.)

Submitted by: Cemetery Commission

Requires Majority Vote

Explanation of Article: Statute requires Town Meeting approval to adopt or update cemetery rules.

ARTICLE 26: To see if the Town will vote amend Article 17.2B License Fees of the Town of Freetown General By-Laws, by adding the following sub-section, and/or take any action relative thereto:

- (1) No fee shall be charged for a Dog License to any resident who is 70 years of age of over. This exemption will be limited to one dog license per household and will exclude kennels.

Submitted by: Animal Control Officer and Town Clerk

Requires Majority Vote

Explanation of Article: This section was previously adopted and became part of Freetown’s General By-laws in 2006. It was recently noticed that the section was accidentally omitted when the by-law was re-written in Oct. 2014. Even though the practice to exempt the fee has been carried on, the vote to adopt this article will put it back on the books as part of the town’s by-laws.

ARTICLE 27: To see if the Town will vote to confirm that the several parcels of land held by the Conservation Commission under the authority of Section 8C of Chapter 40 of the General Laws, and that various other park, recreation, or open space parcels otherwise held by the Town under relevant statutes, are also held under the protections of Article 97 of the Amendments to the Massachusetts Constitution and devoted to conservation, recreation, and/or utilization of agricultural, mineral, forest, water, air, and other natural resources, and/or take any action relative thereto. A schedule of the parcels affected by this article is on file with the office of the Town Clerk and incorporated herein by reference.

Submitted by: Conservation Commission

Requires Majority Vote

Explanation of Article: In response to various court opinions and related cases (Smith vs. Westfield, etc.), this article seeks to confirm that lands held by the Conservation Commission and by the Town for park, recreation, or open space purposes are intended to be protected by Article 97 in addition to whatever other protections may already apply.

ARTICLE 28: To see if the Town will vote to transfer the care, custody, management, and control of the parcel of land located at 122 Richmond Road, Assonet (Assessors' Map 202, Lot 4.01) from the Board of Selectmen for general municipal purposes to the Conservation Commission under the provisions of Section 8C of Chapter 40 of the General Laws, and further to dedicate and designate the parcel for conservation purposes subject to the protections of Article 97 of the Amendments to the Massachusetts Constitution, and/or take any action relative thereto.

Submitted by: Conservation Commission

Requires 2/3 Vote

Explanation of Article: This article will transfer the parcel accepted under article 13 from the Board of Selectmen to the Conservation Commission. The parcel is predominantly wetlands, including the Assonet River.

ARTICLE 29: To see if the Town will vote to raise and appropriate a sum of money for the purpose of supplementing the Stabilization Fund and/or Capital Stabilization Fund, or take any action relative thereto.

Submitted by: Board of Selectmen

Requires 2/3 Vote

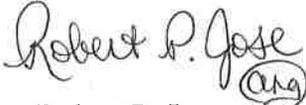
Explanation of Article: This appropriation would add funds to the Stabilization Fund to be used for any lawful purpose and/or add funds to the Capital Stabilization Fund to be used for purchasing capital assets or payment of related debt service on capital assets. The Stabilization Fund is a "rainy day fund" or reserve to support the Town during times of financial stress. Any proposed use of these funds would require a 2/3 vote of Town Meeting.

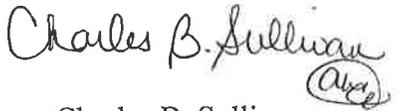
And you are hereby directed to serve this Warrant by posting attested copies thereof at the following places: Assonet Post Office, East Freetown Post Office, the stores of Quick Pic in East Freetown, Junior's Convenience Store and Freetown Town Hall, and the Freetown Communications Center.

Hereof, fail not and make return of the original Warrant with your doings thereon immediately after making service thereof to the Town Clerk of the Town of Freetown, Massachusetts.

Given under our hands and seal of the Town of Freetown, this 5th day of October, Anno Domini, Two Thousand Seventeen.


Lisa A. Pacheco
Chairman


Robert P. Jose


Charles B. Sullivan

FREETOWN BOARD OF SELECTMEN